

POLITICAL ACTIVITIES



Politics is not the art of the possible.

It consists in choosing between the disastrous and the unpalatable.

John Kenneth Galbraith



Political Activities



- Statutory Restrictions
 - Solicitation of Contributions
 - 18 U.S.C. §§ 602 & 607
 - Armed Forces Involvement, Interference
 - 18 U.S.C. §§ 592, 593, 596, & 609



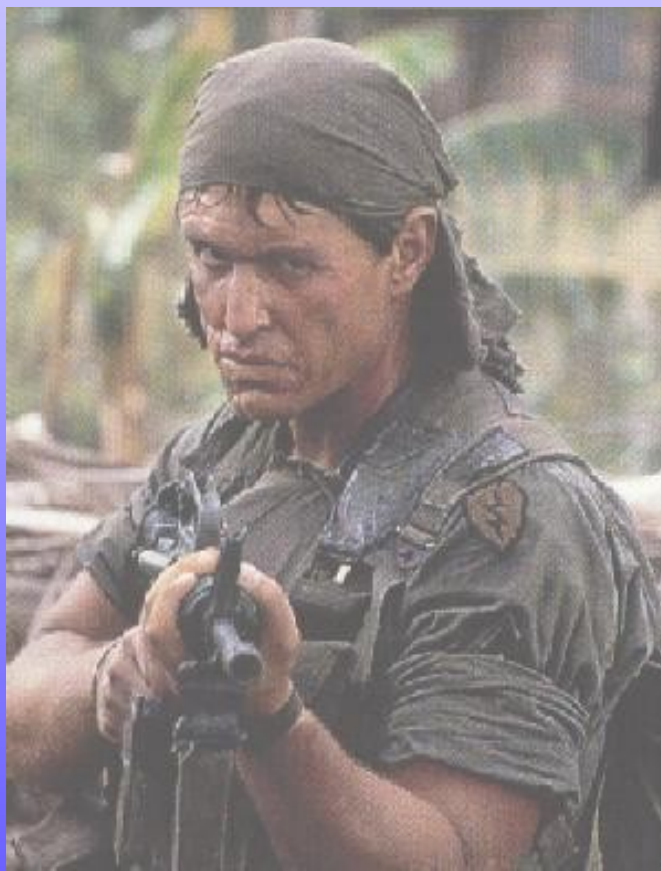
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Political Activities



- Intimidation of voters
 - 18 U.S.C. §§ 594 & 606



**Vote
Green!
Please.**



Political Activities



- Generally, AD officers, Retired/Reserve officers on AD >270 days may not hold or exercise civil office
 - 10 U.S.C. § 973
 - Amended by FY04 NDAA to allow Retired/Reserve officers on AD >270 days to hold (but not exercise) civil office





Political Activity of Military Members



- DoD Directive 1344.10 (see JER Chapter 6)
 - Spirit and Intent -- No activity that may be viewed as directly or indirectly associating DoD with partisan p



The Libertarian Party



Political Activities of Military Members



- DoD Directive 1344.10
 - Goal - prevent DoD association with partisan politics
 - Personal participation in local nonpartisan activities OK, if
 - not in uniform
 - no Government resources used
 - no interference with duties
 - no implied Government involvement or position





Political Activities of Military Members



- Laundry List - OK to
 - Register, Vote, & encourage others to do
 - Attend political meetings as spectator
 - Contribute to political organization
 - Sign petitions
 - Personal letters to the Editor
 - Small bumper stickers on POV



Political Activities - Military Members



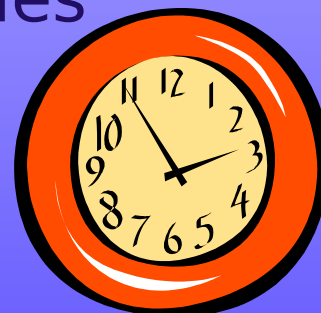
- Laundry List - **NOT OK**
 - Run for civil office
 - Participate in partisan political campaigns
 - Serve as officer/sponsor of political club
 - Use contemptuous words (Art 88, UCMJ)
 - March/Ride in partisan parades
 - Promote political dinners or fundraisers
 - Large signs on POV



Military Members



- Additional Requirements
 - Full time and attention to performance of military duties during duty hours
 - Avoid activities that are likely to discredit Armed Forces
 - Refrain from participating in political activity while in uniform
 - Don't use Government resources or facilities to further political activities



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Political Activities of Civilian Employees



- Hatch Act, 5 U.S.C. §§ 7321-26
- 5 C.F.R. Parts 733-34
- DEPSECDEF memo of 21 Jan 04
- May:
 - Participate in Non-Partisan Activities
 - Express opinion on political subjects
 - Be politically active in non-partisan questions
 - Participate in non-partisan organizations





Political Activities of Civilian Employees



- May:
 - Participate in Political Organizations
 - Officer of political party
 - Attend/participate in nominating caucuses, conventions, rallies, or other gatherings
 - Organize political organizations



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Political Activities of Civilian Employees



- May:
 - Participate in Political Campaigns
 - Circulate nominating petitions
 - Canvass votes
 - Endorse/oppose partisan candidates in political ads
 - Address a convention or rally
 - Manage campaigns
 - Be a candidate in nonpartisan election
 - Attend fundraisers

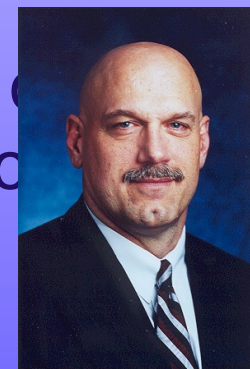




Political Activities of Civilian Employees



- May NOT:
 - Use official authority to interfere or influence
 - Use official authority to fundraise
 - Solicit, accept, or receive contributions
 - Be a candidate in partisan election
 - Undertake political activity while on duty or while using Government resources, or while wearing uniform





Political Activities of Civilian Employees



- Additional restrictions based on position (career SES; members of contract appeals boards) and agency (NSA, DIA, NGA)
- Basic concept is a ban on partisan political activity
- May not:
 - Circulate Petitions
 - Organize/manage political rally/group
 - Campaign for or against partisan candidate





Political Activities of Civilian Employees



- Fewer restrictions apply to PAS and non-career SES officials... unless they're in DOD
- DEPSECDEF memo applies most restrictions (treated like career SES)
- DEPSECDEF memo also states that they may not engage in activities "that could be interpreted as associating DoD with a partisan political cause or issue."
- Mere attendance at a fundraiser is



Political Activities of Civilian Employees



- Need Help?
 - U.S. Office of Special Counsel
 - “Hatch Act Unit”
 - On-line advisory opinions
 - www.osc.gov/hatchact.htm

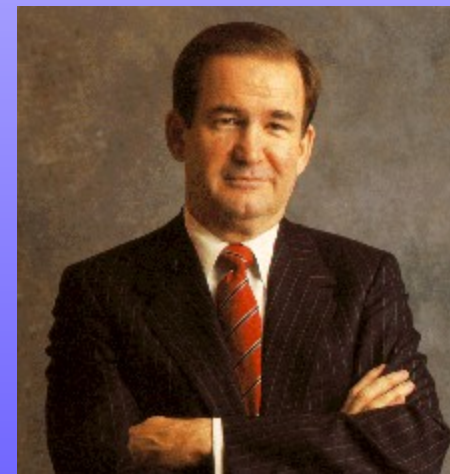




Use of DoD Resources



- DoD Public Affairs Policy Guidance -- Election Year 2004
 - Installations may not be used for political activities
 - Do not support off-base political events
 - Policy questions?
 - OASD(PA)



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SUPPORT



- No military displays
- No military color guard at political events (except for honor guard for national convention)

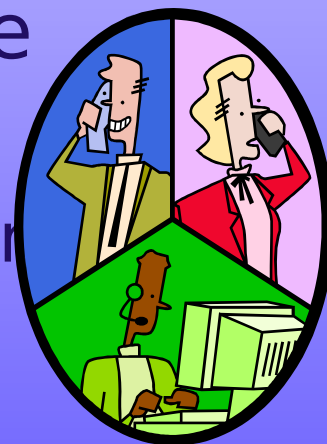




Lobbying



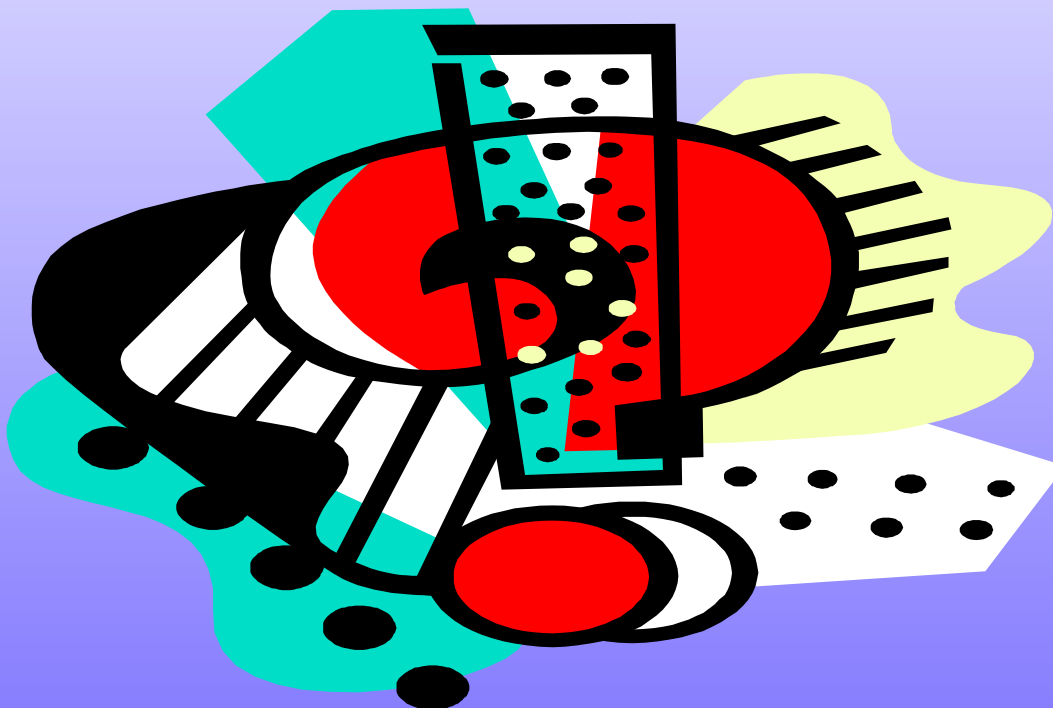
- Anti-Lobbying Act
 - Prohibits “grass roots” campaigns
 - Does not prohibit expression of agency views on legislation
 - Recurring appropriation language
 - No propaganda
 - No influencing congressional action





Questions?

Call the Administrative Law
Division at 442-1089



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